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JUL 22 2005

CARR & FERRELL LLP  
2200 GENG ROAD  
PALO ALTO, CA 94303

In re application of

Jason Ashton

Application No. 09/863,124

Filed: May 22, 2001

For: INTERNET AND WIRELESS INTEGRATED  
VIRTUAL PRESENCE

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**DECISION ON REQUEST  
FOR WITHDRAWAL OF  
ATTORNEY**

This is a decision on the requests filed on November 26, 2004 and June 10, 2005 under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **APPROVED**

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney filed May 11, 2005 is not accepted in the above-identified application because the request lacks condition B) above.

As to condition B), The statement included in the request, "The attorneys and agents associated with the customer number 22830 have completed the specific tasks for which they were retained," does not satisfy one of the valid reasons for withdrawal under 37 CFR 10.40 (b)(1)-(4) or (c)(1)-(6).

However, the request to withdraw as attorney filed November 26, 2004 is "APPROVED".



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KJD/slb: 7/19/05